

NO NEED OF RATE FIXING LAW.

MR. HINES SHOWS THAT EXISTING LAW IS SUFFICIENT.

It Contains Provisions for Correction by the Courts of Unreasonable and Discriminating Rates—The Fault of Commission That It Is Not Enforced.

WASHINGTON, April 24.—Walker D. Hines, formerly first vice-president and traffic manager of the Louisville and Nashville Railroad Company, and now counsel for the Atlantic Seaboard Line, appeared before the Senate Commerce Committee on Interstate Commerce this morning to give testimony in the railroad rate hearings.

Mr. Hines said it was essential to a clear understanding to know exactly the existing extent and effect of the provisions of the Interstate Commerce act as at present amended. That act, he said, has a twofold object. First, to secure the publication and invariable observance of all tariffs; and second, to prevent the establishment or continuance of any tariff rates which are unreasonable or unjustly discriminatory.

"The law prohibits every unreasonable and every unjustly discriminatory rate," said Mr. Hines. "It provides that the Interstate Commerce Commission shall hear and determine the complaints of anybody and everybody, whether directly interested or not. The commission may itself originate complaints concerning any supposed violation of the law. If the commission finds any rate to be unreasonable or unjustly discriminatory, the carrier must be ordered to cease and desist from continuing to charge that rate."

"If the carrier does not comply with such order, the commission or any person interested may bring suit, and it becomes the duty of the Circuit Court to afford a speedy hearing and to make and enforce a decree compelling obedience to the commission's order if that order is found to be lawful. On any such hearing the commission's findings are prima facie evidence as to every act found, so that the presumption is always in favor of the commission's order."

"An appeal lies to the Supreme Court from the decree of Circuit Court in any such case, but contrary to the general impression this appeal cannot suspend or postpone the taking effect of the decree of the Circuit Court. If the Circuit Court decrees obedience to the commission's order, the carrier must at once obey it, notwithstanding any appeal, unless the Circuit Court itself is of the opinion that justice demands that it should suspend the operation of its decree, pending the appeal, and so orders; and if it so orders it can impose such terms as it sees fit upon the carrier as to giving bond or otherwise."

"A distinct and very important procedure is provided by the Elkins act, whereby as to any unjustly discriminatory rates the commission may in the first instance, and without any formal hearing or order, bring suit in the Circuit Court to enforce a continuance of the discrimination. This avoids all the delay incident to a formal hearing before the commission. Although the applicability of this procedure to unjust discrimination in tariff rates, even between different localities, was more than two years ago expressly declared by the Supreme Court in the Elkins case, and although it is evidently a convenient and speedy way of preventing unjust discriminations, it has never been resorted to in a single instance."

"The Elkins act likewise makes full provision for advancing a case brought by the Interstate Commerce Commission and securing the earliest possible hearing in the Circuit Court before three judges. Although the act has been in force considerably over two years, these provisions for avoiding delay in the Circuit Court on any case brought before it to enforce its order or to prevent unjust discriminations in tariff rates have never been availed of."

"Thus there is in the present law definite provision for correction by the courts of every unreasonable or unjustly discriminatory rate, with special provision for the speedy disposition of all such cases and with special provision to prevent any delay on account of appeals by the carrier. Therefore the widely prevailing impression that under the present law carriers may at their pleasure and without control charge unreasonable and unjustly discriminatory rates is thoroughly erroneous. On the other hand every rate charged by a carrier is subject to the direct and effective control of the courts of the United States to prevent such rate from violating the Interstate Commerce law in any respect. It is the courts and not, as frequently claimed, the carriers, who are the judges of what is reasonable and just under the law."

Speaking further of the powers of the commission under present statutes, and referring to some failures of the commission, Mr. Hines said:

"The numerous failures of the commission in litigation have not been due to any defect in the law, but have been due invariably either to the commission's adoption of illegal methods or to the commission's mistake on condemnation of practices not prohibited by law."

"Since Jan. 1, 1900, since which date there has been the principal clamor as to transportation rates, the commission has made only eleven orders condemning rates as unreasonable. The carriers have substantially complied with nine of these orders without any litigation whatever."

Mr. Hines then attempted to correct what he called some popular misapprehensions.

"Notwithstanding the Interstate Commerce act provides a definite and practical method of correcting all unlawful rates," he said, "there is undoubtedly a somewhat general impression that the act is absolutely worthless, and it is necessary to a complete understanding of the subject to state the source of this opinion."

"This opinion is undoubtedly due to repeated public declarations by the Interstate Commerce Commission and its members, that under the present law the carriers are utterly beyond any control as to interstate commerce. This view has been frequently stated in many different forms by members and officers of the commission, in newspaper interviews, magazine articles, and public addresses. The same idea has been repeatedly set forth in the official annual reports of the commission."

"Such declarations began in 1897 and have continued down to the present time. As these declarations proceed from the very public officials who by law are the direct representatives of the Government in interstate matters, and whose express duty it is to execute it, it is to be expected that the public accepts these statements as correct, and therefore believes that the law now provides for unjust and unlawful tariff rates; whereas the law provides perfectly correct methods which have never been inadequate in a single instance."

Mr. Hines made some serious accusations against the Interstate Commerce Commission. He said he understood that

Brownsville Water Crackers

In attractive boxes are good things to have in the house for any emergency. A really good cracker adds so much to the luncheon or dinner. The cracker that has Brownsville on it will grace the most dainty repast.

PARK & TILFORD
NEW YORK
Trade supplied by Chas. A. Lenhart, Brownsville, Pa.

literature supporting the rate fixing propaganda was being distributed from the commission's headquarters and that figures it had sent to Congress in regard to the increase in the receipts of railroads were grossly exaggerated. In a report to Congress in February, 1904, the commission said that between 1899 and 1903 railroads had gained \$155,000,000 additional through advancing rates, but the fact was, Mr. Hines declared, they were much less. He said that even by the commission's method of calculation the additional receipts were only about \$100,000,000, while full figures now at hand showed that by the commission's method of calculation the earnings were about \$60,000,000.

Mr. Hines then took the commission's figures and indicated that they were incorrect and that the method of calculation was full of faults. He proceeded to use his own method of calculation, which he explained to the committee, and by this he figured that the additional income of the railroads, due to advance in rates for the period named, were \$17,000,000 instead of \$155,000,000.

With reference to the same report of the commission, Mr. Hines called attention to a serious omission. He said the commission had given figures for 1900 showing thirty cases where railroad rates were advanced, but failed to include the figures for the three subsequent years, which were available, showing fifty-nine advances and 580 reductions.

Mr. Hines called the committee's attention to a statement reported to have been made in a caucus of Republican Representatives by Speaker Cannon, when the question of passing the Elkins-Townsend rate bill was under consideration, that when Congress passed the act creating the Interstate Commerce Commission it intended to give the commission the rate fixing power. Mr. Hines asserted that this idea, which was widely accepted throughout the country and was largely responsible for fostering the present agitation, was entirely erroneous, and in this he was sustained by Senator Cullum, a member of the commission and one of the authors of the act creating the commission.

Mr. Cullum interrupted Mr. Hines to say that when the bill was framed there never was any intention on the part of Congress to give the commission the power to fix rates.

It was asserted by Mr. Hines that no law could do more than the existing Elkins Anti-Beate law in compelling railroads to live up to their published rates. The committee adjourned over tomorrow to give the commission the power to fix rates.

Mr. Hines said that Frank looked from his mother to his uncle and appeared to be about equally fond of both. He was pretty dressed in a sailor suit. The policeman held the boy up for Magistrate Whitman to see him.

"Of course you want your boy," said the Magistrate. "But can you take care of him? How much do you earn?"

"Eight dollars a month," answered Mrs. Sargent.

The Magistrate urged Mrs. Sargent to settle the matter amicably with her brother. Capt. Hughes said:

"My sister is welcome in my home and at my table. But I am now legally responsible for the child."

It was finally agreed that Frank should go back home with his foster father.

Again Mrs. Sargent and Brady Diverge.

The jury that heard last week the testimony in the second trial of the divorce action brought by Sadie V. Brady, granddaughter of Isaac Singer, the sewing machine manufacturer, against Daniel V. Brady, president of the Brady Bros. Company, has disagreed as the first jury did. The suit will be tried again in May.

EASTER MONDAY EGG ROLLING.

An Old-Time Custom Kept Up on the White House Grounds.

WASHINGTON, April 24.—The annual Easter Monday egg rolling on the grounds immediately south of the White House, an old-time custom in Washington, took place to-day. The day was fine and warm, and several thousand children, both white and black, were in the White House grounds. Mrs. Roosevelt and her children watched the sport from the south portion of the mansion. The grounds were closed at 1 o'clock, a much earlier hour than usual, and the children were obliged to continue their egg rolling on the White Lot.

During the egg rolling Mrs. Roosevelt entertained the ladies of the Cabinet, a few personal friends and some of the children's friends on the south portion of the White House.

Movements of Naval Vessels.

WASHINGTON, April 24.—The battleship Texas has arrived at Newport News, the cruiser Minneapolis has passed Tortugas, the cruiser Newark has arrived at Tortugas, the cruiser Columbia at Vera Cruz, the cruiser Ranger at Mare Island, the collier Aetna at Norfolk, the cruiser Marblehead at Acapulco, and the cruiser Raleigh at Cavite.

The collier Caesar has sailed from Culebra for Santo Domingo City, the gunboat Castine from San Juan for San Juan, the supply ship Culgoa from Culebra for Puerto Plata, the cruiser Detroit from San Juan for Puerto Plata, the gunboat Castine from San Juan for Santo Domingo City, the destroyers Hull, Maconough and Whipple from Key West for Hampton Roads, the cruiser Tacoma from Pensacola for Monte Cristi via Key West, the destroyer Truxtun from Guantanamo for Santo Domingo City, the despatch boat Dolphin from Washington for Tangier Sound, the gunboat Popoka from Norfolk for Monte Cristi, the destroyer Stewart from Santo Domingo City for Pensacola, the gunboat Unadilla from Norfolk for Tangier Sound and the gunboat Villalobos from Shanghai for a cruise.

No Exclusive Right to Use Family Name as a Trade Mark.

WASHINGTON, April 24.—The exclusive right to use a family name as a trade mark was to-day denied by the Supreme Court in the suit brought by Wyckoff, Beaman & Benedict, proprietors of the Remington typewriter, to enjoin the use of the name "Remington" by the Remington-Sholes Typewriter Company. The two Remingtons are sons of the former president of the Remington company. No intended fraud having been shown, the court held that the young men had a right to use their name in connection with that of Sholes.

\$10 Conscience Money.

WASHINGTON, April 24.—The Secretary of the Treasury received \$10 this morning in an envelope postmarked South Bend, Ind., accompanied by this note:

"Years ago I defrauded the United States Government out of a small sum of money, and now make good to the best of my ability. God only knows what I have suffered. Truly the way of the transgressor is hard. Enclosed is \$10."

Army and Navy Orders.

WASHINGTON, April 24.—Three army orders were issued to-day: First Lieut. Francis A. Pope, corps of engineers, now at San Francisco, will proceed to Seattle, Wash. The retirement of Major Henry F. Kendall, Twelfth Cavalry, is announced.

SHE WANTS MORE GILMAN MONEY

Helen Potts Sues Hartford, Who Says His Lawyer Deceived Him.

The trial of the suit of Helen Potts to recover something like \$250,000 from George H. Hartford, the business partner of George F. Gilman, the tea merchant, was begun yesterday before Supreme Court Justice Fitzgerald without a jury. The plaintiff, who divorced Blakely Hall some time ago, says that when she settled her claim to the entire estate of Gilman, who died intestate in 1901, at Black Rock, Conn., for \$20,000 cash and 400 shares of preferred stock of the Great Atlantic and Pacific Tea Co. it was with the understanding that she was to receive also one-third of the \$700,000 in common stock that went to Hartford. He also got \$150,000 in preferred stock. She now wants that one-third, which he refuses to pay, and an accounting of the profits from the stock.

Hartford denies that he ever agreed to pay her one-third of his share of the estate. In his answer he alleges that Henry E. Knox, who was his counsel in 1901, made a secret arrangement to that effect without his consent with Edward S. Hatch, Miss Potts's attorney, and that Knox fraudulently induced him to sign a paper which he afterward discovered was a power of attorney. Hartford repudiates any such deal between Knox, Hatch and Miss Potts, and says he never consented to part with any of his share.

Miss Potts was in court yesterday. She is a good looking woman, with an abundance of Babur type hair. Born in San Francisco, she was known on the stage as Helen Standish. She divorced her first husband, named Peters, and afterward married Blakely Hall. About 1888 she made the acquaintance of Gilman, who was a feeble reclus.

According to her story, he asked her to nurse him and become his housekeeper, to which she consented on his promise to leave her all his estate. After his death there was a prolonged litigation, which resulted in a settlement which was approved by the courts. That was the \$20,000 settlement. The case was not finished.

MOTHER WANTED BOY BACK.

Her Brother, a Salvation Army Captain, Held Him in Virtue of Adoption.

Policeman Watson of the Charles street station brought a little boy and a man and woman whom he found disputing about the child into Jefferson Market police court yesterday. The man was Capt. John Hughes of the Salvation Army, who lives at 360 Bleeker street, and the woman was his sister, Mrs. Annie Sargent of 1144 Fortieth street, Brooklyn.

Three months ago Hughes adopted this widowed sister's two little children, 4 and 5 years old. Mrs. Sargent had a hard time making her own living and was glad to have a good home for her boy and girl. But yesterday she went to Capt. Hughes's house and said she wanted the boy.

"But you gave him and the little girl to us," retorted her brother, who was with her. Mrs. Sargent picked up her little girl and ran out to the street with him. Capt. Hughes followed and the two argued so hotly that a crowd collected.

In court Mrs. Sargent with tears in her eyes said to Magistrate Whitman: "I want my little boy."

Five-year-old Frank looked from his mother to his uncle and appeared to be about equally fond of both. He was pretty dressed in a sailor suit. The policeman held the boy up for Magistrate Whitman to see him.

"Of course you want your boy," said the Magistrate. "But can you take care of him? How much do you earn?"

"Eight dollars a month," answered Mrs. Sargent.

The Magistrate urged Mrs. Sargent to settle the matter amicably with her brother. Capt. Hughes said:

"My sister is welcome in my home and at my table. But I am now legally responsible for the child."

It was finally agreed that Frank should go back home with his foster father.

Again Mrs. Sargent and Brady Diverge.

The jury that heard last week the testimony in the second trial of the divorce action brought by Sadie V. Brady, granddaughter of Isaac Singer, the sewing machine manufacturer, against Daniel V. Brady, president of the Brady Bros. Company, has disagreed as the first jury did. The suit will be tried again in May.



Just a trial of Murad Cigarettes will tell you why their sale within a few months has exceeded the combined sale of all other Turkish Cigarettes—a most remarkable achievement.

MURAD CIGARETTES

have the same rare selections as the same delicate blend of the cigarette used in the court circles of Turkey. The man who makes them, Allan Ramsay, served for sixteen years as the government expert of Turkey.

10 for 15 cts.

WESTWARD HO! WITH THE GOSPEL.

And a Patent Potato Peeler in a Prairie Schooner.

It was "heads out" all along the Bowery about noontime yesterday. A one horse prairie schooner followed by a curious crowd was coming slowly down the street. On its tarpaulin sides were the words:

"The gospel wagon of an aged couple on a long journey from New York to Santa Fe, back to New York and not to San Francisco."

Five-year-old Frank looked from his mother to his uncle and appeared to be about equally fond of both. He was pretty dressed in a sailor suit. The policeman held the boy up for Magistrate Whitman to see him.

"Of course you want your boy," said the Magistrate. "But can you take care of him? How much do you earn?"

"Eight dollars a month," answered Mrs. Sargent.

The Magistrate urged Mrs. Sargent to settle the matter amicably with her brother. Capt. Hughes said:

"My sister is welcome in my home and at my table. But I am now legally responsible for the child."

It was finally agreed that Frank should go back home with his foster father.

Again Mrs. Sargent and Brady Diverge.

The jury that heard last week the testimony in the second trial of the divorce action brought by Sadie V. Brady, granddaughter of Isaac Singer, the sewing machine manufacturer, against Daniel V. Brady, president of the Brady Bros. Company, has disagreed as the first jury did. The suit will be tried again in May.

EASTER MONDAY EGG ROLLING.

An Old-Time Custom Kept Up on the White House Grounds.

WASHINGTON, April 24.—The annual Easter Monday egg rolling on the grounds immediately south of the White House, an old-time custom in Washington, took place to-day. The day was fine and warm, and several thousand children, both white and black, were in the White House grounds. Mrs. Roosevelt and her children watched the sport from the south portion of the mansion. The grounds were closed at 1 o'clock, a much earlier hour than usual, and the children were obliged to continue their egg rolling on the White Lot.

During the egg rolling Mrs. Roosevelt entertained the ladies of the Cabinet, a few personal friends and some of the children's friends on the south portion of the White House.

Movements of Naval Vessels.

WASHINGTON, April 24.—The battleship Texas has arrived at Newport News, the cruiser Minneapolis has passed Tortugas, the cruiser Newark has arrived at Tortugas, the cruiser Columbia at Vera Cruz, the cruiser Ranger at Mare Island, the collier Aetna at Norfolk, the cruiser Marblehead at Acapulco, and the cruiser Raleigh at Cavite.

The collier Caesar has sailed from Culebra for Santo Domingo City, the gunboat Castine from San Juan for San Juan, the supply ship Culgoa from Culebra for Puerto Plata, the cruiser Detroit from San Juan for Puerto Plata, the gunboat Castine from San Juan for Santo Domingo City, the destroyers Hull, Maconough and Whipple from Key West for Hampton Roads, the cruiser Tacoma from Pensacola for Monte Cristi via Key West, the destroyer Truxtun from Guantanamo for Santo Domingo City, the despatch boat Dolphin from Washington for Tangier Sound, the gunboat Popoka from Norfolk for Monte Cristi, the destroyer Stewart from Santo Domingo City for Pensacola, the gunboat Unadilla from Norfolk for Tangier Sound and the gunboat Villalobos from Shanghai for a cruise.

No Exclusive Right to Use Family Name as a Trade Mark.

WASHINGTON, April 24.—The exclusive right to use a family name as a trade mark was to-day denied by the Supreme Court in the suit brought by Wyckoff, Beaman & Benedict, proprietors of the Remington typewriter, to enjoin the use of the name "Remington" by the Remington-Sholes Typewriter Company. The two Remingtons are sons of the former president of the Remington company. No intended fraud having been shown, the court held that the young men had a right to use their name in connection with that of Sholes.

\$10 Conscience Money.

WASHINGTON, April 24.—The Secretary of the Treasury received \$10 this morning in an envelope postmarked South Bend, Ind., accompanied by this note:

"Years ago I defrauded the United States Government out of a small sum of money, and now make good to the best of my ability. God only knows what I have suffered. Truly the way of the transgressor is hard. Enclosed is \$10."

Army and Navy Orders.

WASHINGTON, April 24.—Three army orders were issued to-day: First Lieut. Francis A. Pope, corps of engineers, now at San Francisco, will proceed to Seattle, Wash. The retirement of Major Henry F. Kendall, Twelfth Cavalry, is announced.

These navy orders were issued: Lieut. P. Symington, from navy yard, New York, to naval torpedo station Narragansett Bay. Lieut. G. L. Smith, to navy yard, New York. Pharmacist C. E. Reynolds, from navy yard, New York, to navy yard, Mare Island.

B. Altman & Co.

SALE OF BLACK DRESS SILK.

For this day (Tuesday), April 25th,

An important sale is announced in the Black Silk Department, to consist of 100 pieces (over 5,000 yards) of

IMPORTED BLACK CHIFFON DRESS TAFFETAS,

double width (forty-three inches wide), the regular price of which is \$2.50, at . . . \$1.78 per yard.

WOMEN'S SUMMER DRESSES.

For this day (Tuesday), April 25th,

a selection of Dresses and Suits, representing several new features, will be placed on sale in the department for Summer Suits, at the following prices:

Dresses of Dotted Valenciennes Net, lace trimmed, \$25.00

Princess Gowns of Batiste, in delicate shades, 22.00

Dress of Chiffon Mull, in white and colors, with silk dot, trimmed with Irish lace, . . . \$19.00

Dresses of Embroidered Handkerchief Linen (white), 18.00

Bolero Coat Suits of Shepherd Checked material with fancy trimmings, . . . \$16.00

Eton Suits of Plain Linen, white and colored, with pique collar and cuffs, . . . \$15.00

(Department on Second Floor.)

Nineteenth Street and Sixth Avenue, New York.

LEAPS TO HIS DEATH.

Undeveloped Man Jumps Off a Bridge at Port Jervis, N. Y., April 24.—Persons crossing Barrett Bridge, which spans the Delaware River at this place, were startled at 5 o'clock this morning to see a man climb upon the bridge railing and leap

into the river, forty feet below. Boats were secured by the onlookers to recover the body. It came to the surface a quarter of a mile below and was caught and taken to an island. Efforts at resuscitation were made without success. The body is that of a man about 60 years old, with gray hair and mustache, stockily built and weighing about 160 pounds.

B. Altman & Co.

NEEDLEWORK, FANCY ARTICLES and YARNS.

Department on Third Floor.

Attention is invited to the department for Fancy Needlework, in which are offered selections of attractive articles such as laundry bags and pillow covers of cretonne and art ticking; sewing baskets and traveling cases, lounging pillows covered with summer fabrics, scrap baskets, bureau scarfs and pin cushions.

The following will be placed on sale this day, at special prices:

Stamped Pieces of hemstitched linen, suitable for bureau, buffet and table covers or for centrepieces, also

Stamped Table Covers, Scarfs and Centrepieces, of hemstitched scrim,

usually sold for 60c. to \$1.65, at

45c., 50c., 75c., \$1.00 and \$1.25

B. Altman & Co.

SUMMER CURTAINS and DRAPERIES.

B. Altman & Co. are showing an attractive selection of light drapery fabrics and curtains of lace and other materials, among which are included a variety of designs suitable for Summer Cottages and Homes, such as curtains of colored madras in floral and stained glass effects.

FURNITURE SLIP COVERS MADE TO ORDER.

This day (Tuesday), April 25th:

Renaissance Bed Sets, including roll piece, usually sold for \$9.50 to \$14.00, will be offered at

\$6.75 and \$8.50 per Set.

(Department on Third Floor.)



DRY-SOLE

Makes soles of shoes waterproof and more durable. Shoes wear longer. Rubbers unnecessary. Price 25c.

For sale at: Wm. W. Wadsworth, Stinson, Crawford Co., 34th Street, New York. Cammeyer, Harris, Silvers, Slater, Juggan, Miller, and others.